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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

EPIC GAMES, INC.

Plaintiff, Counter-defendant

v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR

**[PROPOSED] ORDER RE:**  
**COUNTERCLAIMANT APPLE INC.'S**  
**ADMINISTRATIVE MOTION TO SEAL**

The Honorable Yvonne Gonzalez Rogers

Pursuant to Civil Local Rule 79-5, Counterclaimant Apple Inc. (“Apple”) has filed an Administrative Motion to Seal (the “Administrative Motion”). In support, Apple filed the accompanying declaration of Mark A. Perry.

Having considered the Administrative Motion, all associated declarations, exhibits, and any argument of counsel, and for good cause appearing:

**IT IS HEREBY ORDERED** that Counterclaimant’s Administrative Motion is **GRANTED**. Accordingly,

(1) The un-redacted versions of the documents sought to be partially sealed by the Administrative Motion shall remain under seal;

(2) The entire version of the documents sought to be fully sealed by the Administrative Motion shall remain under seal;

(3) The public shall only have access to the versions of the partially sealed documents sought to be sealed by the Administrative Motion in which portions the following sections have been redacted:

**Category 1: Apple’s Request as to Information that Reflects its Competitively Sensitive Internal Billing Policies, Processes, and Systems**

Portion of Document Sought to be Sealed	Document Title	Reason to Seal
21:24–22:14	Apple Inc.’s Motion For Entry Of Judgment On Its Indemnification Counterclaim (“Motion for Entry of Judgment”)	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
26:11–14	Motion for Entry of Judgment	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
26:20–22	Motion for Entry of Judgment	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
27:3–6	Motion for Entry of Judgment	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
1:23–3:15	Declaration of Mark Rollins in Support of Apple Inc.’s Motion for Entry of Judgment	Reflects information regarding Apple’s confidential, internal billing

	on its Indemnification Counterclaim (“Rollins Declaration”)	policies and procedures.
3:17–18	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
3:20–4:18	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
4:21–26	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
4:28–5:3	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
5:9–13	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
5:17	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
5:26	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
6:10	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
6:14–16	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
6:19–21	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
6:24–7:1	Rollins Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
7:4–6	Rollins Declaration	Reflects information

		regarding Apple's confidential, internal billing policies and procedures.
7:9–11	Rollins Declaration	Reflects information regarding Apple's confidential, internal billing policies and procedures.
7:15–16	Rollins Declaration	Reflects information regarding Apple's confidential, internal billing policies and procedures.
7:20–21	Rollins Declaration	Reflects information regarding Apple's confidential, internal billing policies and procedures.
7:24–26	Rollins Declaration	Reflects information regarding Apple's confidential, internal billing policies and procedures.
8:9	Rollins Declaration	Reflects information regarding Apple's confidential, internal billing policies and procedures.
8:11–13	Rollins Declaration	Reflects information regarding Apple's confidential, internal billing policies and procedures.
8:16–18	Rollins Declaration	Reflects information regarding Apple's confidential, internal billing policies and procedures.
8:21–23	Rollins Declaration	Reflects information regarding Apple's confidential, internal billing policies and procedures.
8:26–28	Rollins Declaration	Reflects information regarding Apple's confidential, internal billing policies and procedures.
9:4–5	Rollins Declaration	Reflects information regarding Apple's confidential, internal billing policies and procedures.
4:17	Declaration of Carlyn Irwin in Support of Apple Inc.'s Motion for Entry of Judgment on its Indemnification Counterclaim ("Irwin	Reflects information regarding Apple's confidential, internal billing policies and procedures.

	Declaration”)	
6:13–14	Irwin Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
7:14	Irwin Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
7:25–8:3	Irwin Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
8:10	Irwin Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
8:13–16	Irwin Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
8:25–27	Irwin Declaration	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
Exhibit B, Footnotes 1–8	Irwin Declaration, Exhibit B	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
Exhibit C, Footnotes 1–8	Irwin Declaration, Exhibit C	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
Exhibit E	Irwin Declaration, Exhibit E	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
15:21	Declaration of Richard M. Pearl in Support of Apple Inc.’s Motion for Entry of Judgment on its Indemnification Counterclaim (“Pearl Declaration”)	Reflects information regarding Apple’s confidential, internal billing policies and procedures.
Exhibit A, final two bullets in “Other” section	Pearl Declaration, Exhibit A	Reflects information regarding Apple’s confidential, internal billing policies and procedures.

**Category 2: Apple's Request as to Information that Reflects its Negotiations With its Vendors**

Portion of Document Sought to be Sealed	Document Title	Reason to Seal
3:3–4	Irwin Declaration	Reflects confidential rate information that is the subject of negotiations between Cornerstone Research and Apple.
Exhibit B, “Amount Billed (USD),” “Write Off Amount (USD),” “Net Total Amount Paid (USD),” and “Adjusted Total (USD)” Columns	Irwin Declaration, Exhibit B	Reflects confidential rate and other non-public information that is the subject of negotiations between Apple and its vendors.
Exhibit C, “Amount Billed (USD),” “Write Off Amount (USD),” “Net Total Amount Paid (USD),” and “Adjusted Total (USD)” Columns	Irwin Declaration, Exhibit C	Reflects confidential rate and other non-public information that is the subject of negotiations between Apple and its vendors.
7:8–10	Pearl Declaration	Reflects confidential rate information that is the subject of negotiations between Apple and its vendors.
7:12	Pearl Declaration	Reflects confidential rate information that is the subject of negotiations between Apple and its vendors.
8:9	Pearl Declaration	Reflects confidential rate information that is the subject of negotiations between Apple and its vendors.
8:22	Pearl Declaration	Reflects confidential rate information that is the subject of negotiations between Apple and Gibson, Dunn & Crutcher LLP, and Apple and Weil, Gotshal & Manges LLP.
9:2–3	Pearl Declaration	Reflects confidential rate information that is the subject of negotiations between Apple and Gibson, Dunn & Crutcher LLP, and Apple and Weil, Gotshal & Manges LLP.
9:7	Pearl Declaration	Reflects confidential rate information that is the subject of negotiations between Apple and Gibson, Dunn & Crutcher LLP.

**Category 3: Apple's Request as to Information that Reflects Apple's Financial Information Relating to Costs Expended by Apple in the *Epic* Litigation**

Portion of Document Sought to be Sealed	Document Title	Reason to Seal
Chart, 15:11–18	Motion for Entry of Judgment	Reflects non-public financial information regarding Apple's aggregate costs for the principal categories of its litigation expenses for the <i>Epic</i> litigation.
6:9	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for law firms for the <i>Epic</i> litigation.
6:17	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for Gibson, Dunn & Crutcher LLP for the <i>Epic</i> litigation.
6:21	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for Latham & Watkins LLP for the <i>Epic</i> litigation.
7:2	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for McDermott Will & Emery for the <i>Epic</i> litigation.
7:7	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for O'Melveny & Myers LLP for the <i>Epic</i> litigation.
7:12	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for Orrick, Herrington & Sutcliffe LLP for the <i>Epic</i> litigation.
7:17	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for Paul, Weiss, Rifkind, Wharton & Garrison LLP.
7:22	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for Skadden,

		Arps, Slate, Meagher & Flom LLP for the <i>Epic</i> litigation.
7:27	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for Weil, Gotshal & Manges LLP for the <i>Epic</i> litigation.
8:8	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for its vendors for the <i>Epic</i> litigation.
8:14	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for Consilio Holdings for the <i>Epic</i> litigation.
8:19	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for Open Text Inc. for the <i>Epic</i> litigation.
8:24	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for Compass Lexecon for the <i>Epic</i> litigation.
9:1	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for Cornerstone Research for the <i>Epic</i> litigation.
Chart, 9:8–21	Rollins Declaration	Reflects non-public financial information regarding Apple's aggregate costs for its litigation expenses in the <i>Epic</i> litigation.
4:2	Irwin Declaration	Reflects non-public financial information regarding Apple's aggregate costs for its litigation expenses in the <i>Epic</i> litigation.
5:1–2	Irwin Declaration	Reflects non-public financial information regarding Apple's aggregate costs for law firms for the <i>Epic</i> litigation.
Table 1, 5:4–17	Irwin Declaration	Reflects non-public financial information regarding Apple's aggregate costs for law firms for the <i>Epic</i> litigation.

5:21–28	Irwin Declaration	Reflects non-public financial information regarding Apple’s aggregate costs for its litigation expenses for the <i>Epic</i> litigation.
8:27	Irwin Declaration	Reflects non-public financial information regarding Apple’s write-offs for the <i>Epic</i> litigation.
Table 2, 9:9–14	Irwin Declaration	Reflects non-public financial information regarding Apple’s aggregate costs for the principal categories of its litigation expenses for the <i>Epic</i> litigation.
15:8	Pearl Declaration	Reflects non-public information regarding the number of hours Apple’s law firms spent on the <i>Epic</i> litigation.
16:2	Pearl Declaration	Reflects non-public financial information regarding Apple’s write-offs and billing adjustments for the <i>Epic</i> litigation.
20:5	Pearl Declaration	Reflects non-public financial information regarding Apple’s aggregate costs for its litigation expenses for the <i>Epic</i> litigation.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2024

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The Honorable Yvonne Gonzalez Rogers  
United States District Court Judge